

shall not have costs, and if a repleader be awarded neither party has costs, Com. Dig. Costs, A. (6.) If there are several defendants who succeed in the action, the plaintiff may pay costs to which of them he pleases, *Jordan v. Harper*, 1 Str. 516. And if one of several defendants pleads a plea which goes to the whole declaration and shews that the plaintiff had no cause of action, and it is found for that defendant, he shall have his costs, and though judgment by default may have been entered against another defendant, yet he shall have the benefit of the bar and not pay the **434** plaintiff's costs, *Tidd Prac. 985-6; and see *Gambrell v. Earl Falmouth*, 5 A. & E. 403. It seems that if several defendants appear severally, if the plaintiff be nonsuited for a default in his declaration, the defendants are entitled only to the costs of one nonsuit, Com. Dig. Costs, A. (5). Where a case is entered agreed or settled, each party with us pays his own costs, and in such cases the proceedings are not recorded.

STATUTES

Made at WESTMINSTER, Anno Regni JACOBI, Regis Angliæ, &c. septimo, & Scotiæ quadragesimo tertio and A. D. 1609.

CAP. V.

An Act for Ease in pleading troublesome and contentious Suits prosecuted against Justices of the Peace, Mayors, Constables and certain other his Majesty's Officers, for the lawful Execution of their Office.

For Ease in pleading against many causeless and contentious Suits which have been, and daily are commenced and prosecuted against Justices of Peace, Mayors or Bailiffs of Cities and Towns Corporate, Headboroughs, Port-Reves, Constables, Tithingmen, Collectors of Subsidies and Fifteens, who for due Execution of their Office have been troubled and molested, and still are like to be troubled and molested by evil-disposed contentious Persons, to their great Charge and Discouragement in doing of their Offices: (2) Be it therefore enacted by our Sovereign Lord the King, and by the Lords Spiritual and Temporal, and Commons in this present Parliament assembled, and by the Authority of the same, That if an Action, Bill, Plaint or Suit upon the Case, Trespass, Battery or false Imprisonment shall be brought, after forty Days next after the End of this Session of Parliament, in any of his Majesty's Courts at